

### REMARKS

This Amendment is submitted in response to the Office Action dated January 8, 2004. In the Office Action, the Patent Office rejected Claims 1, 2, 5, 7, 15 and 18-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,076,166 to *Moshfeghi et al.* in view of U.S. Patent No. 6,266,668 to *Vanderveldt et al.* Additionally, the Patent Office rejected Claims 3, 4, 6, 8-14, 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over *Moshfeghi et al.* in view of *Vanderveldt et al.* and further in view of U.S. Patent No. 6,195,651 to *Handel et al.*

By the present Amendment, Applicant amended Claims 1-15 and 18 and submits that the amendments to the claims overcome the rejections by the Patent Office for the reasons that follow.

With respect to the rejection of Claims 1, 2, 5, 7, 15 and 18-21 under 35 U.S.C. §103(a) as being unpatentable over *Moshfeghi et al.* in view of *Vanderveldt et al.*, Applicant submits that this rejection has been overcome in view of the amended claims and for the reasons that follow.

In the Office Action, the Patent Office alleged:

With respect to Claim 1, *Moshfeghi et al.* discloses providing a remote server having a database; accessing the remote server via a first remote computer on a computer network; creating a website having a first web page by the remote

computer on the remote server wherein the website relates to a healthcare provider providing healthcare services (see fig. 1, databases, item 24, personalized web server, item 12 a plurality of client computer in the network: col 2, lines 10-15, and creating web page: col. 2, lines 30-38); assigning pre-defined attributes to the website that uniquely identify the website and linking the website to the database (col. 2, lines 26-42 and col. lines 1-65).

*Moshfeghi et al.* discloses a computer network for creating personalizing hospital web sites including a plurality of client computer, a personalized web server and retrieving user desired information. *Moshfeghi et al.* does not explicitly indicate the database is searchable via search engine wherein the search engine searches the database for specific attributes.

However, *Vanderveldt et al.* discloses search engine to search web page and searching the attribute or information from the healthcare databases (col. 4, lines 1-18 and col. 5, lines 12-28 and col. 9, lines 35-40).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of *Moshfeghi et al.* with the teachings of *Vanderveldt et al.* so as to search from the healthcare related databases for healthcare attributes such as patient information or location or room. This combination would make a method for creating web page relating to user or personal information that is retrieved from databases (See *Moshfeghi et al.*, col. 1, lines 16-28, col. 3, lines 5-65) and searching information from the databases (see *Vanderveldt et al.*, col. 2, lines 50-67).

On the contrary, independent Claim 1, as amended, requires a method for creating websites for individuals, healthcare facilities and a plurality of healthcare providers which has the step of creating a website having a first web page by the remote computer on the remote server wherein the website identifies one

of the plurality of healthcare providers providing a plurality of healthcare services. Further, Claim 1 requires the step of assigning pre-defined attributes to the website that uniquely identify the website wherein the one of the pre-defined attributes corresponds to one of the plurality of the healthcare services provided by one of the plurality of healthcare providers. Moreover, Claim 1 requires the step of linking the website to the database wherein the database is searchable via a search engine wherein the search engine searches the database for specific attributes wherein one of the specific attributes corresponds to one of the pre-defined attributes.

Additionally, in the Office Action, the Patent Office alleged:

With respect to Claim 15, *Moshfeghi et al.* discloses a remote server having a database therein on a computer network; a first remote computer connected to the remote server via the computer network wherein a website having a web page is created on the remote server via the remote computer using pre-defined information contained on the remote server wherein the website relates to a first healthcare provider providing healthcare services (see fig. 1, databases, item 24, personalized web server, item 12 a plurality of client computer in the network: col. 2, lines 10-15, and creating web page: col. 2, lines 30-38; and col. 2, lines 26-42 and col. 3, lines 1-65).

*Moshfeghi et al.* discloses a computer network for creating personalizing hospital web sites including a plurality of client computer, a personalized web server and retrieving user desired information. *Moshfeghi et al.* does not explicitly indicate the further wherein the website is stored on the database

and pre-defined attributes associated with the website for uniquely identifying the website in the database.

However, *Vanderveldt et al.* discloses search engine to search web page and searching the attribute or information from the healthcare databases (col. 4, lines 1-18 and col. 5, lines 12-28 and col. 9, lines 35-40).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of *Vanderveldt et al.* so as to search from the healthcare related databases for healthcare attributes such as patient information or location or room. This combination would make a method for creating web page relating to user or personal information that is retrieved from databases (see *Moshfeghi et al.*, col. 1, lines 16-28, col. 3, lines 5-65) and searching information from the database (see *Vanderveldt et al.* col. 2, lines 50-67).

Independent Claim 15, as amended, requires a system for creating websites for healthcare providers having a first remote computer connected to the remote server via the computer network wherein a website having a web page is created on the remote server via the remote computer using pre-defined information contained on the remote server wherein the pre-defined information corresponds to one of a plurality of healthcare providers. Further, the website identifies one of the plurality of healthcare providers providing one of a plurality of healthcare services wherein the web page displays the pre-defined information. Moreover, Claim 15 requires pre-defined attributes assigned to the website for uniquely identifying the website in the database wherein the pre-defined attributes

identify one of the plurality of the healthcare services provided by one of the plurality of healthcare providers.

Contrary to the assertions of the Patent Office, *Moshfeghi et al.* merely teach a web system or site which provides web or hypertext pages and/or other data objects that are personalized to the user. Further, *Moshfeghi et al.* teach a system wherein a web server is accessible by a web browser via a network. Still further, *Moshfeghi et al.* teach that the presumed needs, declared and/or logged topics of interests, access rights to information and environments of users are taken into account in presenting web pages to a user's web browser. Moreover, *Moshfeghi et al.* teach that "the responses from the web server, in particular the personalized web pages and/or data objects provided, are dynamically generated in layer or module 20 using server scripts 22, that utilize personalizing information maintained in the server's file systems or databases 24 (pertaining to access privileges and security), 26 (pertaining to environment profiles), and 28 (pertaining to user needs, preferences, and usage profiles)."

*Vanderveldt et al.* merely teach a dynamic search engine applied to the Internet that allows for customized queries and relevant responses. Further, *Vanderveldt et al.* teach a method and system for searching databases in response to a query which

substantially eliminates or reduces disadvantages and problems associated with previous methods and systems for searching databases. Moreover, *Vanderveldt et al.* teach that "the data-mining engine of the present invention evaluates whether the available data accumulated by current search tools are relevant to a user and filters out all non-relevant information, creating a more effective and efficient search engine."

Clearly, neither *Moshfeghi et al.* nor *Vanderveldt et al.*, taken singly or in combination, teach or suggest a method having the step of creating a website having a first web page by the remote computer on the remote server wherein the website identifies one of the plurality of healthcare providers providing a plurality of healthcare services as required by Claim 1. Further, neither *Moshfeghi et al.* nor *Vanderveldt et al.*, taken singly or in combination, teach or suggest a method having the step of assigning pre-defined attributes to the website that uniquely identify the website wherein the one of the pre-defined attributes corresponds to one of the plurality of the healthcare services provided by one of the plurality of healthcare providers as required by Claim 1. Still further, neither *Moshfeghi et al.* nor *Vanderveldt et al.*, taken singly or in combination, teach or suggest a method having the step of linking the website to the database wherein the database is

searchable via a search engine wherein the search engine searches the database for specific attributes wherein one of the specific attributes corresponds to one of the pre-defined attributes as required by Claim 1.

Contrary to assertions of the Patent Office, *Moshfeghi et al.* merely teach that "the information necessary or useful to personalize the server's responses include user attributes, user privileges, computer characteristics and network connection, display characteristics, browser capabilities and room characteristics." Moreover, the Patent Office admits that "*Moshfeghi et al.* do not explicitly indicate the database is searchable via a search engine wherein the search engine searches the database for specific attributes." Furthermore, nowhere do *Vanderveldt et al.* disclose the step of assigning pre-defined attributes to the website based on one of the plurality of healthcare providers providing the healthcare services and a search engine which searches the database for specific attributes relating to the pre-defined attributes of one of the plurality of healthcare providers.

Neither *Moshfeghi et al.* nor *Vanderveldt et al.*, taken singly or in combination, teach or suggest a web page which is created on the remote server via the remote computer using pre-defined information contained on the remote server wherein the

pre-defined information corresponds to one of a plurality of healthcare providers as required by Claim 15. Further, neither *Moshfeghi et al.* nor *Vanderveldt et al.*, taken singly or in combination, teach or suggest a website which identifies one of the plurality of healthcare providers providing one of a plurality of healthcare services wherein the web page displays the pre-defined information as required by Claim 15. Moreover, neither *Moshfeghi et al.* nor *Vanderveldt et al.*, taken singly or in combination, teach or suggest pre-defined attributes assigned to the website for uniquely identifying the website in the database wherein the pre-defined attributes identify one of the plurality of the healthcare services provided by one of the plurality of healthcare providers as required by Claim 15.

*Moshfeghi et al.* merely teach that "the information necessary or useful to personalize the server's responses include user attributes, user privileges, computer characteristics and network connection, display characteristics, browser capabilities and room characteristics." Moreover, the Patent Office admits that "*Moshfeghi et al.* do not explicitly indicate the further wherein the website is stored on the database and pre-defined attributes associated with the website for uniquely identifying the website in the database." Contrary to the assertions of the Patent Office, *Vanderveldt et al.* do



not disclose a website having a web page which is created on a remote server via a remote computer using pre-defined information contained on the remote server and pre-defined attributes associated with the website for uniquely identifying the website in the database.

Moreover, with respect to the rejection of Claims 1, 2, 5, 7, 15 and 18-21 under 35 U.S.C. §103(a), one of ordinary skill in the art would never have been motivated to modify *Moshfeghi et al.* with *Vanderveldt et al.* in the manner suggested by the Patent Office in formulating the rejection of the claims under 35 U.S.C. §103(a). It is submitted that the question under §103 is whether the art would suggest the claimed invention to one of ordinary skill in this art. In re Simon, 461 F.2d 1387, 174 USPQ 114 (CCPA 1972).

That elements, even distinguishing elements, are disclosed in the art is alone insufficient. It is common to find elements somewhere in the art. Moreover, most if not all elements perform their ordained and expected functions. The test is whether the invention as a whole, in light of the teachings of the references in their entireties, would have been obvious to one of ordinary skill in the art at the time the invention was made. Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983).

It is insufficient that the art disclosed components of Applicant's invention, either separately or used in other combinations. A teaching, suggestion, or incentive must exist to make the combination made by Applicant. Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1988).

With the analysis of the deficiencies of *Moshfeghi et al.* and *Vanderveldt et al.* in mind, as enumerated above, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art would have combined *Moshfeghi et al.* with *Vanderveldt et al.* in the manner suggested by the Patent Office in formulating the rejection under 35 U.S.C. §103(a). Therefore, *prima facie* obviousness has not been established by the Patent Office as required under 35 U.S.C. §103(a).

Further, Applicant submits that the Patent Office is merely "piece-mealing" references together providing various teachings and limitations of Applicant's method and system to deprecate the claimed invention. Of course, hindsight reconstruction of Applicant's invention is impermissible.

In view of the foregoing remarks and amendments, Applicant respectfully submits that the rejection of Claims 1, 2, 5, 7, 15 and 18-21 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Notice to that effect is requested.

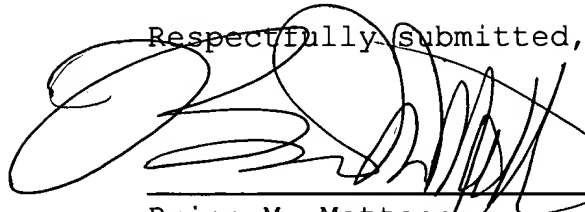
With respect to the rejection of Claims 3, 4, 6, 8-14, 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over *Moshfeghi et al.* in view of *Vanderveldt et al.* and further in view of *Handel et al.*, Applicant respectfully submits that the rejection has been overcome by the amendments to the independent claims since none of *Moshfeghi et al.*, *Vanderveldt et al.* and/or *Handel et al.*, taken singly or in combination, teach or suggest the critical steps and features defined in amended Claims 1 and 15, respectively, from which Claims 3, 4, 6, 8-14, 16 and 17 depend. Notice to that effect is requested.

Claims 2-14 depend from Claim 1; and Claims 16-21 depend from Claim 15. These claims are further believed allowable over the references of record for the same reasons set forth with respect to their parent claims since each sets forth additional steps and elements of Applicant's method and system, respectively.

In view of the foregoing remarks and amendments, Applicant respectfully submits that all of the claims in the application are in allowable form and that the application is in condition for allowance. If, however, any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the application expedited to issue. Applicant requests the Patent Office to

indicate all claims as allowable and to pass the application to issue.

Respectfully Submitted,

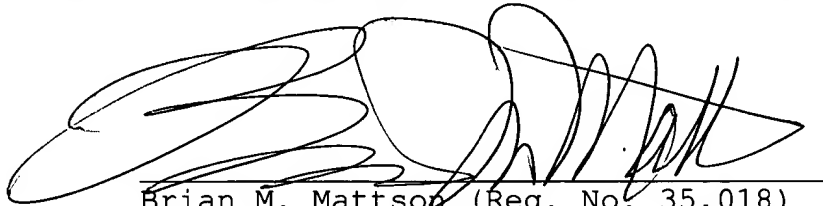


(Reg. No. 35,018)

Brian M. Mattson  
ATTORNEY FOR APPLICANT  
Patents+TMS  
A Professional Corporation  
1914 North Milwaukee Ave.  
Chicago, IL 60647  
(773) 772-6009

**CERTIFICATE OF MAILING**

I hereby certify that this **AMENDMENT** is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 08, 2004.



Brian M. Mattson (Reg. No. 35,018)